

---

PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 22 JUNE 2010

---

Present: Fitzhenry (Except Minute Item 11) (Chair), Jones (Vice-Chair), Letts (Except for Minute Items 13 and 14), Mead, Osmond (Except Minute Items 13 and 14), Slade (Except Minute Items 11, 13, 14 and 15) and Thomas

7. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the meeting held on 25<sup>th</sup> May 2010 be approved and signed as a correct record.

**CONSIDERATION OF PLANNING APPLICATIONS**

Copy of all reports circulated with the agenda and appended to the signed minutes.

8. **20 - 26 COLLEGE STREET AND 29 - 35 RICHMOND STREET - 10/00581/MMA**

Minor material amendment sought to consent 06/00246/FUL - (Redevelopment of the site to provide 90 flats (45 x one-bedroom and 45 x two-bedroom flats), 1220 square metres of commercial floorspace within buildings ranging in height from 6 to 8 storeys and 43 car parking spaces with vehicular access from Richmond Street and College Street) - to alter development mix on 1st floor, putting 7 flats (2 x 1-bed and 5 x 2-bed) in place of 488 square metres of class B1 office floor space.

Ms Bourke (Environment Agency) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (i) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
- a. the Environment Agency confirming in writing that they have removed their written holding objection relating to flood risk matters;
  - b. the conditions in the report;
  - c. the applicant entering into a Section 106 Legal Agreement to secure:
    1. a financial contribution towards the provision of public open space in accordance with policy CLT5 and IMP1 of the adopted City of Southampton Local Plan and applicable SPG;
    2. a financial contribution towards the provision of a new children's play area and equipment in accordance with policy

- CLT6 and IMP1 the adopted City of Southampton Local Plan and applicable SPG;
3. provision of affordable housing in accordance with appropriate SPG;
  4. site specific transport obligation for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
  5. adherence to the previously submitted Travel Plan;
  6. details outlining a waste management scheme for the flats;
  7. dedication of land to public use to enable widening of footways and an undertaking to enter into Section 278 Agreement;
  8. a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
  9. a financial contribution towards public realm improvements in accordance with policy;
  10. a financial contribution to the provision of Public Art in accordance with policy;
  11. obligations relating to water, energy and waste management conservation measures to achieve a minimum of Code Level 3 of the Code for Sustainable Homes for all 97 flats within the development, to comply with policy SDP13 of the City of Southampton Local Plan Review (March 2006) and Policy CS20 of the City of Southampton Core Strategy (January 2010);
  12. an undertaking to ensure that the commercial units are completed (shell and core finish) before first habitation of the flats;
  13. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
  14. the submission, agreement and implementation of a flood risk management plan.
- ii. that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 9<sup>th</sup> July 2010, on the grounds of failure to secure the provisions of the Section 106 Agreement.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Although the proposed development does not accord with policy REI11 (vi), particular account has been taken of the quality of the proposed replacement employment floorspace, current market conditions, the overall viability of the scheme and delivery of more affordable housing. Other material considerations do not have sufficient weight to justify a refusal of the application. In

accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, a Minor Material Amendment to Permission 06/00246/FUL should therefore be granted. South East Plan: Regional Spatial Strategy (May 2009) Policies – SP2, SP3, SP4, CC1, CC2, CC3, CC4, CC6, CC7, CC8, RE1, RE3, RE6, H1, H2, H3, H4, H5, T1, T2, T4, T5, NRM1, NRM2, NRM4, NRM5, NRM10, W1, W2, BE1, BE6, TC1, TC2, S1, S5, SH1, SH3, SH4, SH5, SH6, SH7 and SH8.

City of Southampton Local Plan Review (March 2006) Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP8, SDP10, SDP 11, SDP 12, SDP 13, SDP 16, SDP17, SDP19, SDP22, HE1, HE6, CLT 5, CLT 6, H1, H2, H7, H9, REI 11 (vi) and MSA1. City of Southampton Core Strategy (January 2010) Policies – CS1, CS4, CS5, CS6, CS7, CS8, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25.

9. **33 DOVER STREET - 10/00435/FUL**

Part two storey, part single storey replacement rear extension and raising of roof to provide additional living accommodation to existing C3 dwelling house (amended description).

Mr Burt (Local Resident) and Mrs Lear (Local Landlord) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY.

**RESOLVED** that planning approval be granted subject to the conditions in the report and the amended and additional conditions set out below.

Amended Conditions:

Condition 3 – Use  
Condition removed.

**REASON:**

The change of use specified would be development requiring planning permission, therefore such a condition would not meet the basic Circular 11/995 test of 'need'.

Additional Conditions:

5 - Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including extensions,

Class B (roof alteration, including dormer window),

Class C (other alteration to the roof),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

**REASON:**

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

#### 6 - Glazing panel specification

The window in the first floor rear elevation of the building hereby approved [to the room indicated as bedroom 2] shall be glazed in obscure glass and shall only have a top light opening (cill level 1.7 metres above internal finished floor level). The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

#### REASON:

To protect the privacy enjoyed by the occupiers of the adjoining property.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The scheme has been significantly modified since the refusal of application ref. no. 08/00937/FUL and the development has been reduced in size with the common boundary of 31 Dover Street and the roofline lowered to be in keeping with the character of the street. The extension works will facilitate the building's use as a single dwelling (Class C3) and a planning condition has been used to secure this land use in light of the third party comments received. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the Council's current adopted Supplementary Planning Guidance (namely the adopted Residential Design Guide SPD (2006)) and adopted Local Development Framework Core Strategy Policy CS13 (2010).

#### 10. 195 - 207 COXFORD ROAD - 10/00471/FUL

Redevelopment of the site. Erection of three buildings of 3, 4 and 5-storeys to provide 65 flats (22 x one-bedroom and 43 x two-bedroom) with associated access and parking.

**RESOLVED** that consideration of this item be deferred to the Panel meeting scheduled for 20 July 2010.

#### REASONS FOR THE DECISION

To allow further negotiations on improving the Code Level rating to be achieved on Blocks B and C in the interests of sustainable development'

#### 11. 51 HIGH ROAD - 10/00181/OUT

Erection of a part 3-storey, part 2-storey building to provide 3 x 3-bed and 2 x 2-bed flats with associated parking and refuse/cycle storage following demolition of existing building. Outline application seeking consideration of access, appearance, layout and scale only (details of landscaping to be reserved) (Departure From Local Plan).

Mr Wiles (Agent) and Mr and Mrs Vardy (Local Residents) were present and with the consent of the Chair, addressed the meeting.

NOTE: Councillors Fitzhenry (Chair) and Slade declared a prejudicial interest in this item and withdrew from the meeting.

## COUNCILLOR JONES IN THE CHAIR

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO NO ADDITIONAL OR ADVERSE CONSULTATION COMMENTS BEING RECEIVED IN RELATION TO THE PROPOSAL WAS CARRIED UNANIMOUSLY

**RESOLVED** that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to the conditions in the report and the amended / additional conditions below.

### Amended Conditions:

#### 1 - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site. The reserved landscaping of the site specifying both the hard, soft treatments and means of enclosures (RESERVED MATTER).
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

#### REASON:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

#### 9 - Public Sewer diversion

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

#### REASON:

In order to safeguard the public sewer.

Additional Conditions:

15 – Making good flank wall of 55 High Road

Prior to the commencement of the development, details of a scheme to make good, structurally sound and weather proof the exposed wall of 55 High Road shall be submitted to the local planning authority and agreed in writing. The development shall proceed in accordance with the agreed details and thereafter be retained.

REASON:

To ensure the structural integrity of, and to secure a good level of amenity for, 55 High Road.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The site is part of a defined local centre. Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that there are a number of vacant units within the local centre. The loss of a commercial unit on the application site is not considered harmful to the overall vitality and viability of the entire defined local centre. This technical failure to meet policy REI6 is therefore not considered sufficient to justify a refusal. Other material considerations including the design, impact on the residential amenity of neighbouring dwellings and highway safety issues have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (iii) (vii) and REI6 of the City of Southampton Local Plan Review (March 2006).

CS5, CS13 (11) (12), CS15, CS16, CS19, CS20 of the adopted Core Strategy (January 2010).

12. **ST FRANCIS OF ASSISI CHURCH, MONTAGUE AVENUE - 10/00354/FUL**

Redevelopment of the site following demolition of the church and rectory buildings. Erection of 10 two and three-storey houses (6 x three bedroom and 4 x four bedroom) with associated access and parking (Affects a public right of way).

Mr Sennitt (Applicant) was present and with the consent of the Chair, addressed the meeting.

COUNCILLOR FITZHENRY IN THE CHAIR

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY.

**RESOLVED**

- (i) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-

- a) the conditions in the report and the amended condition below;
- b) the applicant entering into a Section 106 Legal Agreement to secure:
  1. Provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
  2. Implementation of an agreed series of site specific transport works under S.278 of the Highways Act in accordance with policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  3. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  4. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
    - Amenity Open Space (“open space”)
    - Play Space
    - Playing Field;
  5. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 30<sup>th</sup> June 2010 on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

23 - Lighting

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. On balance the

residential environment for future occupiers is acceptable. The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy (January 2010).

Saved Policies SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006).

13. **FLEMING ARMS, WIDE LANE - 10/00399/FUL**

Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 37 hotel bedrooms.

Mr Brooker (Applicant) and Councillor Osmond (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

NOTE: Councillor Osmond declared a prejudicial interest in this item and withdrew from the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (iii) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
  - a) the conditions in the report and the amended and additional conditions below;
  - b) the applicant entering into a Section 106 Legal Agreement to secure:
    - 1. Implementation of an agreed series of site specific transport works under S.278 of the Highways Act or a financial contribution towards site specific highway improvements in the vicinity of the site in accordance with policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
    - 2. implementation of an agreed series of site specific transport works under S.278 of the Highways Act in accordance with policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);



3. The submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
  4. The submission and implementation within a specified timescale of a Travel Plan, in accordance with Policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  5. The submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended); and
  6. A commitment to the delivery of the repair works to the Stable block to be tied to the phasing of the other development works.
- (iv) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 1<sup>st</sup> July 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

#### Amended Conditions

##### 6 - Ecological Mitigation Statement

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the Ecology Report submitted with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

##### REASON

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

##### 22 - Renewable Energy

Prior to development of this proposal commencing full details of the renewable energy systems to be incorporated within the development shall be submitted to and agreed in writing with the Local Planning Authority. The details should include the full specification of the air source heat pumps which shall achieve the agreed target of 10% reduced CO<sub>2</sub> emissions as detailed within the agreed submitted energy assessment.

##### REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

### Additional Conditions

#### 24 - Energy Efficiency Measures

A comprehensive energy assessment for the property should be submitted to the Local Planning Authority prior to the commencement of the development. The energy assessment shall inform an energy management plan including measures and techniques to minimise energy consumption during the lifetime of the development. The plan shall state the percentage improvement over Target Emission Rate (TER) as determined by the 2006 Building Regulation Standards of 30% and contain clear targets. The energy management plan shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development hereby granted consent.

#### REASON

To minimise energy consumption and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The application would not harm the special architectural and historic interest of the Listed Building. The application is considered to have fully addressed the reasons for refusing application reference 09/00018/FUL. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - CS3, CS13, CS14, CS18, CS19, CS20, CS22, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP12, SDP13, SDP14, SDP16, SDP17 and SDP22 of the City of Southampton Local Plan Review (March 2006).

#### 14. **FLEMING ARMS, WIDE LANE - 10/00400/LBC**

Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 37 hotel bedrooms.

NOTE: Councillor Osmond declared a prejudicial interest in this item and withdrew from the meeting.

**RESOLVED** that planning approval be granted subject to the conditions in the report.

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Nor would it harm the special architectural and historic interest of the Listed Building and other material considerations do not have sufficient weight to justify a refusal of the application. The scheme is therefore judged to

be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus listed building consent should therefore be granted. Policies - SDP1, SDP7, SDP9, HE1, HE3 and CS14 of the City of Southampton Local Plan Review (March 2006). Policies CS13 and CS14 of the Local Development Framework Core Strategy (January 2010).

15. **LAND TO REAR OF 104-106A EAST STREET - 10/00553/FUL**

Erection of a five-storey building to provide 14 flats (7x one-bedroom and 7x two-bedroom) with associated works.

Mr Mariavatis (Local Business Proprietor) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY.

**RESOLVED**

- (v) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
- a) the conditions in the report and the amended conditions below;
  - b) the applicant entering into a Section 106 Legal Agreement to secure:
    1. A financial contribution towards the relevant elements of public open space required by the development in accordance with policies CS21 & CS25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to ;
      - Amenity Open Space (“open space”)
      - Play Space
      - Playing Field;
    2. To implement as agreed series of site specific transport works under S.278 of the Highways Act in accordance with policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
    3. A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & Cs25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

4. A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
5. A financial contribution towards public realm improvements within the city centre as part of the North/South Spine strategy, in accordance with Policies CS13 & CS25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
6. A financial contribution towards the renovation and repair of the Town Wall in accordance with appropriate SPG;
7. A refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG;
8. The provision of a residents parking bay designated by the council by an order under the Road Traffic Regulation Act 1984 for use by residents of the locality in which the development is situated, and the issuing of residents parking permit to allow residents to park in the residents parking bay
9. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended); and
10. In the event that the building has not achieved a shell and core finish (to be defined) within 18 months from the date of the decision notice the applicants shall submit an up to date Viability Appraisal for the Council's consideration. Any increase in the scheme's report profitability at that time (when taken against the figures reported within the application 10/00553/FUL) shall be reported to the Council with any increase in value being paid to the Council within 6 months of the Council's agreement of the revised viability )or within an alternative timescale to be agreed).

- (vi) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 21<sup>st</sup> July 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

### Amended Conditions

#### 19 - Construction Environment Management Plan

Prior to the commencement of any development a written construction environment management plan, which shall include details of consultation with the owners of neighbouring properties, shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the

site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

REASON:

To protect the amenities of the occupiers of existing nearby properties.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact of the proposed development on the adjacent scheduled monument and the surrounding commercial uses have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies – CS4, CS5, CS13, CS14, CS15, CS16, CS19, CS20, CS25 of the adopted Core Strategy (January 2010) and SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, H1, HE1, HE6 and of the City of Southampton Local Plan Review (March 2006).